

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Case No.: 1:17-CV-52

Plaintiff,

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M. GASKINS,
and
STATE TROOPER CHRIS BERRY,**

Defendants.

**PLAINTIFF'S OPPOSITION TO TROOPER DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Attorney Kevin Tipton's letter to Judge Minor, dated September 20, 2013, cited at page 13.

Exhibit No. 6

TIPTON LAW OFFICES

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Kevin T. Tipton, Esq.
**also admitted in Pennsylvania*

September 20, 2013

Via fax only
Honorable Randy Minor
Monongalia County Family Court
271 Spruce Street
Morgantown, WV 26505

RE: Ballock v. Ballock
12-D-529

Dear Judge Minor:

I have received and reviewed the Temporary Modification Order in this matter and I felt it might be prudent for me to write and advise you and all interested parties of some very pertinent facts. In reading your Order, you suggest the timing of Mr. Ballock's arrest "represented a strategic decision to gain advantage in this case." First of all, I want the Court to know that I had absolutely nothing to do with Mr. Ballock being arrested or the timing thereof. In fact, I never even spoke to the arresting officer at any time prior to last Friday; hence, I played no role whatsoever in the decision to file charges against Mr. Ballock or the timing of any such arrest. In addition, it is my understanding that the arresting officer met with or spoke to Cindy Scott, assistant prosecuting attorney for Monongalia County, prior to filing the arrest warrant and I never spoke to her prior to the making of that decision either. In sum, I had absolutely nothing to do with Mr. Ballock being arrested, much less the timing of it, and the police officer will certainly confirm that.

Finally, it is my understanding that the State Police chose, themselves, to arrest Mr. Ballock on Friday, at the hearing, because they knew he would not have his firearm on him in the courthouse. This is a decision that the officer and/or Cindy Scott made and, again, I had absolutely no input in that decision.

Should you have any questions or concerns, please feel free to contact my office.

Very truly yours,



KEVIN T. TIPTON

Cc: Ellen Ballock
Delby Pool, Esq.
Michael Benninger, Esq.
Teresa Lyons, Esq.